

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GIOVANNI VALERIO,

Petitioner,

vs.

ANTHONY SCILLIA, WARDEN,

Respondent.

2:10-CV-01806-PMP-LRL

ORDER

Petitioner Giovanni Valerio filed a motion for leave to proceed in forma pauperis and submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket #1). Petitioner has now paid the filing fee. The petition shall now be filed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

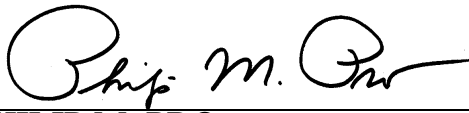
**IT IS THEREFORE ORDERED** that the Clerk shall **FILE and ELECTRONICALLY SERVE** the petition (Docket #1-1 and 1-2) upon the respondents.

**IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address any claims presented by petitioner in his petition as well as any claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the

1 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**  
2 **five (45) days** from the date of service of the answer to file a reply.

3 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General  
4 of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration  
5 by the Court. Petitioner shall include with the original paper submitted for filing a certificate stating  
6 the date that a true and correct copy of the document was mailed to the Attorney General. The Court  
7 may disregard any paper that does not include a certificate of service. After respondents appear in this  
8 action, petitioner shall make such service upon the particular Deputy Attorney General assigned to the  
9 case.

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11 DATED: December 16, 2010.

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14 PHILIP M. PRO  
15 United States District Judge  
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